

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

LCCS GROUP,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:16-cv-05827
)	
A.N. WEBBER LOGISTICS, INC., et al.,)	PLAINTIFF'S INITIAL STATUS
)	REPORT
Defendants.)	

PLAINTIFF'S INITIAL STATUS REPORT

INTRODUCTION

Plaintiff, through the undersigned counsel, filed its Complaint in this case on June 3, 2016 (Dkt. No. 1). Plaintiff's counsel issued Notices of Lawsuit/Requests for Waiver of Service under Fed. R. Civ. P. 4(d) to nearly all defendants on June 17, 2016. According to the issued Notices of Lawsuit/Request for Waivers of Service and Rule 4(d), recipient defendants have until July 18, 2016 to return executed Waivers of Service to Plaintiff's counsel. Under Rule 4(d), those defendants that waive service have under August 16, 2016, which is sixty (60) days from June 17, 2016, to file responsive pleadings to Plaintiff's Complaint.

On June 6, 2016, this Court issued an Order setting an initial status hearing for July 18, 2016 at 8:30 a.m. and further requiring the parties to confer and file a joint status report by July 13, 2016 (Dkt. No. 4). Because of the timing of Plaintiff's issuance of Rule 4(d) Notices of Lawsuit/Requests for Waiver of Service and the August 16, 2016 deadline for responsive pleadings from defendants that waive service, Plaintiff has only received a few executed waivers of service as of the date of this Initial Status Report and only one defense attorney has entered an

appearance to date (Dkt. No. 5). As such, Plaintiff's counsel is not yet aware of the majority of attorneys who will be representing the various defendants in order to confer with the defense attorneys for a joint status report. Nevertheless, Plaintiff's counsel files this Initial Status Report and will appear at the July 18, 2016 initial status hearing if the Court still wants to conduct the initial status hearing on that date.

NATURE OF THE CASE

A. Attorneys of Record for each party

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Attorneys for Defendant Steve Gregory Landscaping & Snowplowing, Inc.

(As of July 13, 2016, this is the defense attorney who has entered an appearance.)

B. Basis for federal jurisdiction

This Court has exclusive jurisdiction over the First Claim for Relief in Plaintiff's Complaint, which arises under the laws of the United States, pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 2201 and 42 U.S.C. §§ 9607 and 9613. The Court also has jurisdiction over the Second

Claim for Relief to enter a declaratory judgment under 28 U.S.C. §§ 2201 and 2202, as well as 42 U.S.C. § 9613.

C. Nature of the claims asserted in the Complaint and any counterclaims

This is a civil action pursuant to the provisions of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 42 U.S.C. § 9601 *et seq.* (“CERCLA”). The LCCS Group asserts there has been a release and/or threat of release of hazardous substances from a facility known as the Lake Calumet Cluster Site (“LCCS Site”) located in the City of Chicago, County of Cook, Illinois. These hazardous substances have contaminated the soil and groundwater at the LCCS Site and have threatened the public health and the environment. Each of the Defendants generated and/or transported hazardous substances that were disposed of at the LCCS Site. This action seeks contribution of over \$2 million in past response costs incurred by the LCCS Group at the LCCS Site in response to the release and threatened release of hazardous substances into the environment at and from the LCCS Site; and a declaration of each Defendant’s liability for future response costs to be incurred by the LCCS Group members (and their assignors) at the LCCS Site. To date, no defendant has filed a responsive pleading so no counterclaims have been asserted.

D. Relief sought

Count I of Plaintiff’s Complaint seeks contribution under CERCLA for each defendant’s respective equitable share of past response costs incurred at the LCCS Site by Plaintiff, along with applicable interest allowed by CERCLA. Count II of Plaintiff’s Complaint seeks a declaratory judgment under CERCLA for each defendant’s equitable share of future response costs to be incurred at the LCCS Site.

PENDING MOTIONS AND CASE PLAN

A. Pending Motions

None

B. Proposal for Discovery Plan

Because of the timing outlined in the Introduction, Plaintiff's counsel does not know which attorneys will be representing each defendant in order to confer with all defense counsel on a proposed discovery plan.

C. Anticipated scope of ESI

Because of the timing outlined in the Introduction, Plaintiff's counsel does not know which attorneys will be representing each defendant in order to confer with all defense counsel on the anticipated scope of ESI.

D. Jury requests, length of trial and proposed trial date

Because of the timing outlined in the Introduction, Plaintiff's counsel does not know which attorneys will be representing each defendant in order to confer with all defense counsel on the probable length of trial or the earliest possible date when the case will be ready for trial. This type of CERCLA case does not allow for a jury trial.

CONSENT TO PROCEED BEFORE A MAGISTRATE JUDGE

Because of the timing outlined in the Introduction, Plaintiff's counsel does not know which attorneys will be representing each defendant in order to confer with all defense counsel on whether the parties will unanimously consent to proceed before a Magistrate Judge.

STATUS OF SETTLEMENT DISCUSSIONS

A. Settlement discussions to date

With very few exceptions, Plaintiff issued pre-litigation settlement offers to all defendants in November 2015 and/or early in 2016. Plaintiff has engaged in settlement discussions with all defendants that responded to Plaintiff's settlement offers.

B. Status of any settlement discussions

Plaintiff has continued and will continue to discuss settlement with any defendant interested in discussion settlement.

C. Request for settlement conference

Because of the timing outlined in the Introduction, Plaintiff's counsel does not know which attorneys will be representing each defendant in order to confer with all defense counsel on whether the parties request a settlement conference.

Dated: July 13, 2016

Respectfully submitted,

THE JUSTIS LAW FIRM LLC

/s/ Gary D. Justis

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ATTORNEYS FOR PLAINTIFF LCCS GROUP

CERTIFICATE OF SERVICE

I hereby certify that on July 13, 2016, a copy of the foregoing Plaintiff's Initial Status Report was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access the filing through the Court's Electronic Case Filing System.

/s/ Gary D. Justis

Gary D. Justis